

# National Audubon Society California



555 Audubon Place  
Sacramento, CA 95825  
(916) 481-5332  
(916) 481-6228 fax

National Audubon Society  
Chapters of California

Altacal  
Buena Vista  
Central Sierra  
Conejo Valley  
Eagle Lake  
Eastern Sierra  
El Dorado  
Fresno  
Golden Gate  
Kern  
Kerncrest  
Laguna Hills  
Lake Almanor  
La Purisima  
Los Angeles  
Madrone  
Marble Mountain  
Marin  
Mendocino Coast  
Monterey Peninsula  
Morro Coast  
Mount Diablo  
Mount Shasta Area  
Napa-Solano  
North Cuesta  
Ohlone  
Palomar  
Palos Verdes/South Bay  
Pasadena  
Peregrine  
Plumas  
Pomona Valley  
Redbud  
Redwood Region  
Sacramento  
San Bernardino Valley  
San Diego  
San Fernando Valley  
San Joaquin  
Santa Barbara  
Santa Clara Valley  
Santa Monica Bay  
Sea and Sage  
Sequoia  
Sierra Foothills  
South Coast  
Stanislaus  
Tulare County  
Ventura  
Whittier  
Wintu  
Yolo  
Yosemite Area

April 16, 1999

Mr. Jerry L. Malbby  
Chairman  
Colusa County Board of Supervisors  
546 Jay Street  
Colusa, CA 95932

## **Subject: Lower Sacramento River Bypass and Floodplain Habitat Restoration CALFED Grant Proposal**

Dear Mr Malbby,

Audubon would appreciate your support and involvement in a program to protect, enhance, and restore aquatic, wetland, and riparian habitats in the lower Sacramento and Feather River floodplain. Audubon is submitting a grant proposal to CALFED for funds to develop a habitat restoration plan for the active floodplain within the levee system for the rivers between Marysville at the mouth at Verona, including the lower Sutter Bypass, the Yolo Bypass, the Colusa Bypass, and the Moulton Bypass. It is Audubon's and CALFED's intent to develop a habitat restoration plan that is consistent with present uses of the floodplain including flood control, and that such uses as flood control be protected and enhanced, if possible. CALFED's intent is to allow local stakeholder groups to develop and implement such plans.

Audubon as owner and operator of wildlife sanctuary lands in the effected area proposes to work with other landowners, local, state, and federal agencies, and other interested stakeholders to develop a habitat restoration plan that addresses CALFED objectives and its Ecosystem Restoration Program Plan. The county's support in this endeavor would greatly enhance Audubon's ability to organize stakeholders and conduct an effective plan development process that will address the local interests of county stakeholders.

I have attached additional information about our proposal. I would be pleased to provide you or your staff with additional information about our proposal.

Sincerely,

Daniel Taylor  
State Director

Enc.



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Yosemite Area

April 16, 1999

Ms. Muriel Johnson  
Chairperson  
Sacramento County Board of Supervisors  
700 H Street  
Sacramento, CA 95814

**Subject: Lower Sacramento River Bypass and Floodplain Habitat Restoration CALFED Grant Proposal**

Dear Ms. Johnson,

Audubon would appreciate your support and involvement in a program to protect, enhance, and restore aquatic, wetland, and riparian habitats in the lower Sacramento and Feather River floodplain. Audubon is submitting a grant proposal to CALFED for funds to develop a habitat restoration plan for the active floodplain within the levee system for the rivers between Marysville at the mouth at Verona, including the lower Sutter Bypass, the Yolo Bypass, the Colusa Bypass, and the Moulton Bypass. It is Audubon's and CALFED's intent to develop a habitat restoration plan that is consistent with present uses of the floodplain including flood control, and that such uses as flood control be protected and enhanced, if possible. CALFED's intent is to allow local stakeholder groups to develop and implement such plans.

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Sincerely,

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Yolo  
Yosemite Area

April 16, 1999

Mr. Mike McGowan  
Chairman  
Yolo County Board of Supervisors  
625 Court Street, #204  
Woodland, CA 95695

## **Subject: Lower Sacramento River Bypass and Floodplain Habitat Restoration CALFED Grant Proposal**

Dear Mr McGowan,

Audubon would appreciate your support and involvement in a program to protect, enhance, and restore aquatic, wetland, and riparian habitats in the lower Sacramento and Feather River floodplain. Audubon is submitting a grant proposal to CALFED for funds to develop a habitat restoration plan for the active floodplain within the levee system for the rivers between Marysville at the mouth at Verona, including the lower Sutter Bypass, the Yolo Bypass, the Colusa Bypass, and the Moulton Bypass. It is Audubon's and CALFED's intent to develop a habitat restoration plan that is consistent with present uses of the floodplain including flood control, and that such uses as flood control be protected and enhanced, if possible. CALFED's intent is to allow local stakeholder groups to develop and implement such plans.

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I have attached additional information about our proposal. I would be pleased to provide you or your staff with additional information about our proposal.

Sincerely,

Daniel Taylor  
State Director

Enc.



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Whittier  
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Yolo  
Yosemite Area

April 12, 1999

Mr. Dennis Nelson  
Chairman  
Sutter County Board of Supervisors  
1160 Civic Center  
Building A  
Yuba City, CA 95993

### **Subject: Lower Feather River Habitat Restoration CALFED Grant Proposal**

Dear Mr. Nelson,

Audubon would appreciate your support and involvement in a program to protect, enhance, and restore aquatic, wetland, and riparian habitats in the lower Feather River floodplain. Audubon is submitting a grant proposal to CALFED for funds to develop a habitat restoration plan for the active floodplain within the levee system for the river between Marysville at the mouth at Verona, including the lower Sutter Bypass. It is Audubon's and CALFED's intent to develop a habitat restoration plan that is consistent with present uses of the floodplain including flood control, and that such uses as flood control be protected and enhanced, if possible. CALFED's intent is to allow local stakeholder groups to develop and implement such plans.

Audubon as owner and operator of the 430 acre Bobelaine Sanctuary (located on the west bank of the Feather River, near Laurel Avenue) proposes to work with other landowners, local, state, and federal agencies, and other interested stakeholders to develop a habitat restoration plan that addresses CALFED objectives and its Ecosystem Restoration Program Plan. The county's support in this endeavor would greatly enhance Audubon's ability to organize stakeholders and conduct an effective plan development process that will address the local interests of county stakeholders.

I have attached additional information about our proposal. Please contact me at your earliest convenience as I would like to add your names to the project sponsors and supporters in the grant proposal.

Sincerely,

Daniel Taylor  
State Director

Enc.



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Ventura  
Whittier  
Wintu  
Yolo  
Yosemite Area

April 12, 1999

Mr. Bill Simmons  
Chairman  
Yuba County Board of Supervisors  
215 5<sup>th</sup> Street, Floor 3  
Marysville, CA 95901

**Subject: Lower Feather River Habitat Restoration CALFED Grant Proposal**

Dear Mr. Simmons,

Audubon would appreciate your support and involvement in a program to protect, enhance, and restore aquatic, wetland, and riparian habitats in the lower Feather River floodplain. Audubon is submitting a grant proposal to CALFED for funds to develop a habitat restoration plan for the active floodplain within the levee system for the river between Marysville at the mouth at Verona, including the lower Sutter Bypass. It is Audubon's and CALFED's intent to develop a habitat restoration plan that is consistent with present uses of the floodplain including flood control, and that such uses as flood control be protected and enhanced, if possible. CALFED's intent is to allow local stakeholder groups to develop and implement such plans.

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I have attached additional information about our proposal. Please contact me at your earliest convenience as I would like to add your names to the project sponsors and supporters in the grant proposal.

Sincerely,

Daniel Taylor  
State Director

Enc.



**STANDARD CLAUSES --  
SMALL BUSINESS PREFERENCE AND CONTRACTOR IDENTIFICATION NUMBER**

**NOTICE TO ALL BIDDERS:**

Section 14835, et. seq. of the California Government Code requires that a five percent preference be given to bidders who qualify as a small business. The rules and regulations of this law, including the definition of a small business for the delivery of service, are contained in Title 2, California Code of Regulations, Section 1896, et. seq. A copy of the regulations is available upon request. Questions regarding the preference approval process should be directed to the Office of Small and Minority Business at (916) 322-5060. To claim the small business preference, you must submit a copy of your certification approval letter with your bid.

Are you claiming preference as a small business?

\_\_\_\_\_ Yes\*

  X   No

\*Attach a copy of your certification approval letter.

NONDISCRIMINATION COMPLIANCE STATEMENT

STD. 19 (REV. 3-95) FMC

National Audubon Society

COMPANY NAME

The company named above (hereinafter referred to as "prospective contractor") hereby certifies, unless specifically exempted, compliance with Government Code Section 12990 (a-f) and California Code of Regulations, Title 2, Division 4, Chapter 5 in matters relating to reporting requirements and the development, implementation and maintenance of a Nondiscrimination Program. Prospective contractor agrees not to unlawfully discriminate, harass or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, disability (including HIV and AIDS), medical condition (cancer), age, marital status, denial of family and medical care leave and denial of pregnancy disability leave.

CERTIFICATION

*I, the official named below, hereby swear that I am duly authorized to legally bind the prospective contractor to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.*

OFFICIAL'S NAME

Daniel Taylor

DATE EXECUTED

4/16/99

EXECUTED IN THE COUNTY OF

Sacramento

PROSPECTIVE CONTRACTOR'S SIGNATURE

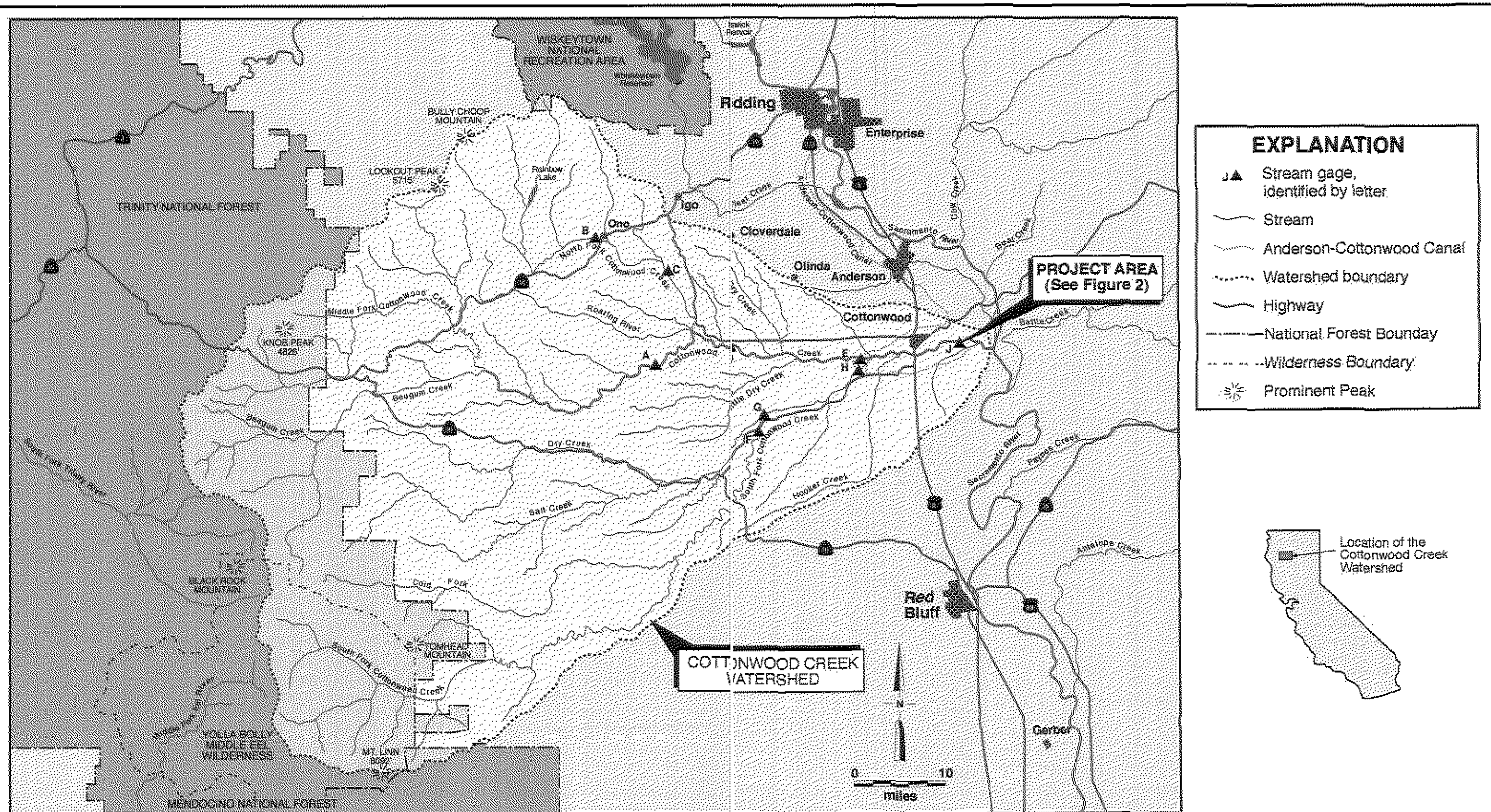
*[Signature]*

PROSPECTIVE CONTRACTOR'S TITLE

California State Director

PROSPECTIVE CONTRACTOR'S LEGAL BUSINESS NAME

National Audubon Society, Inc.

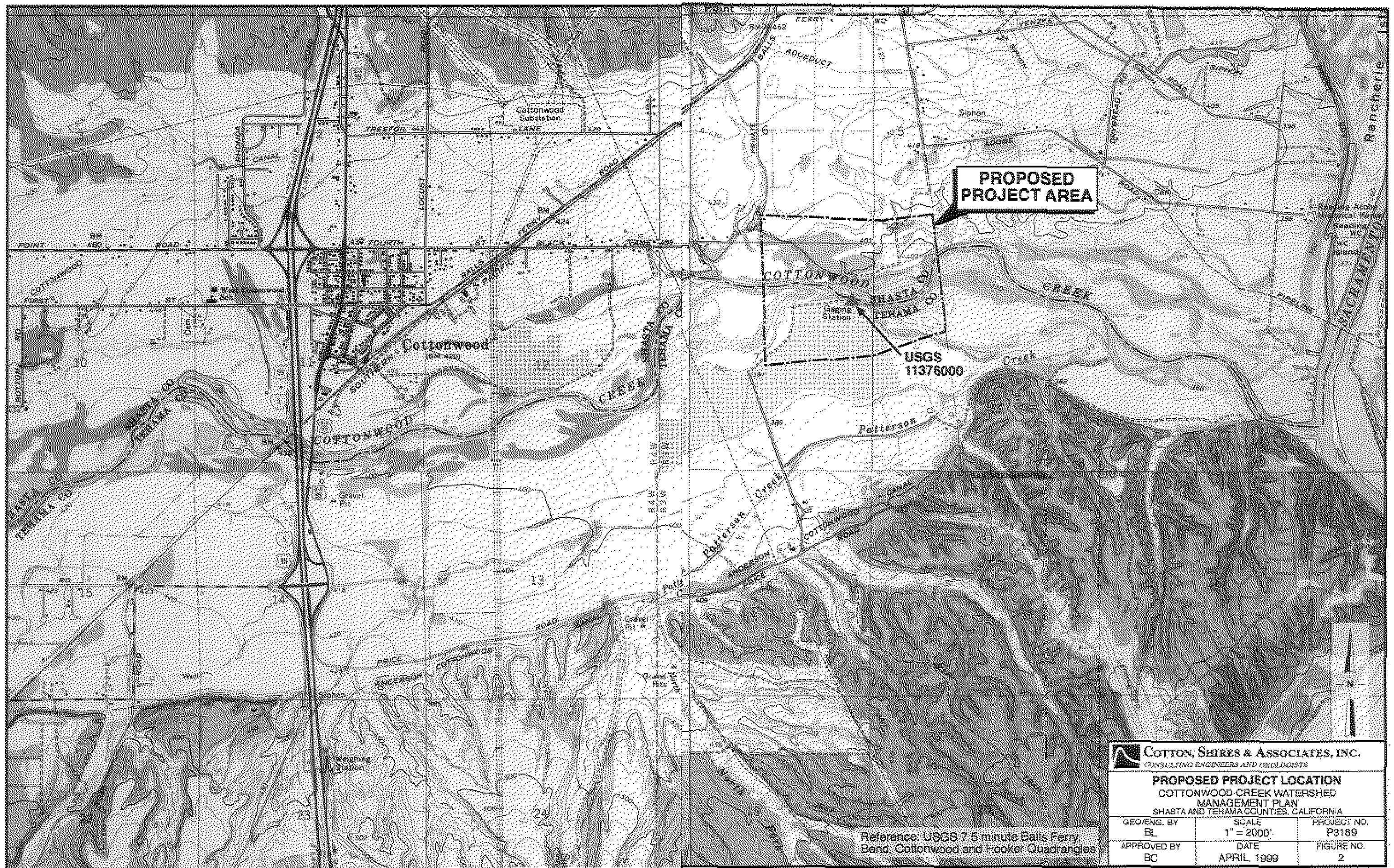


### U.S. Geological Survey Stream Gages

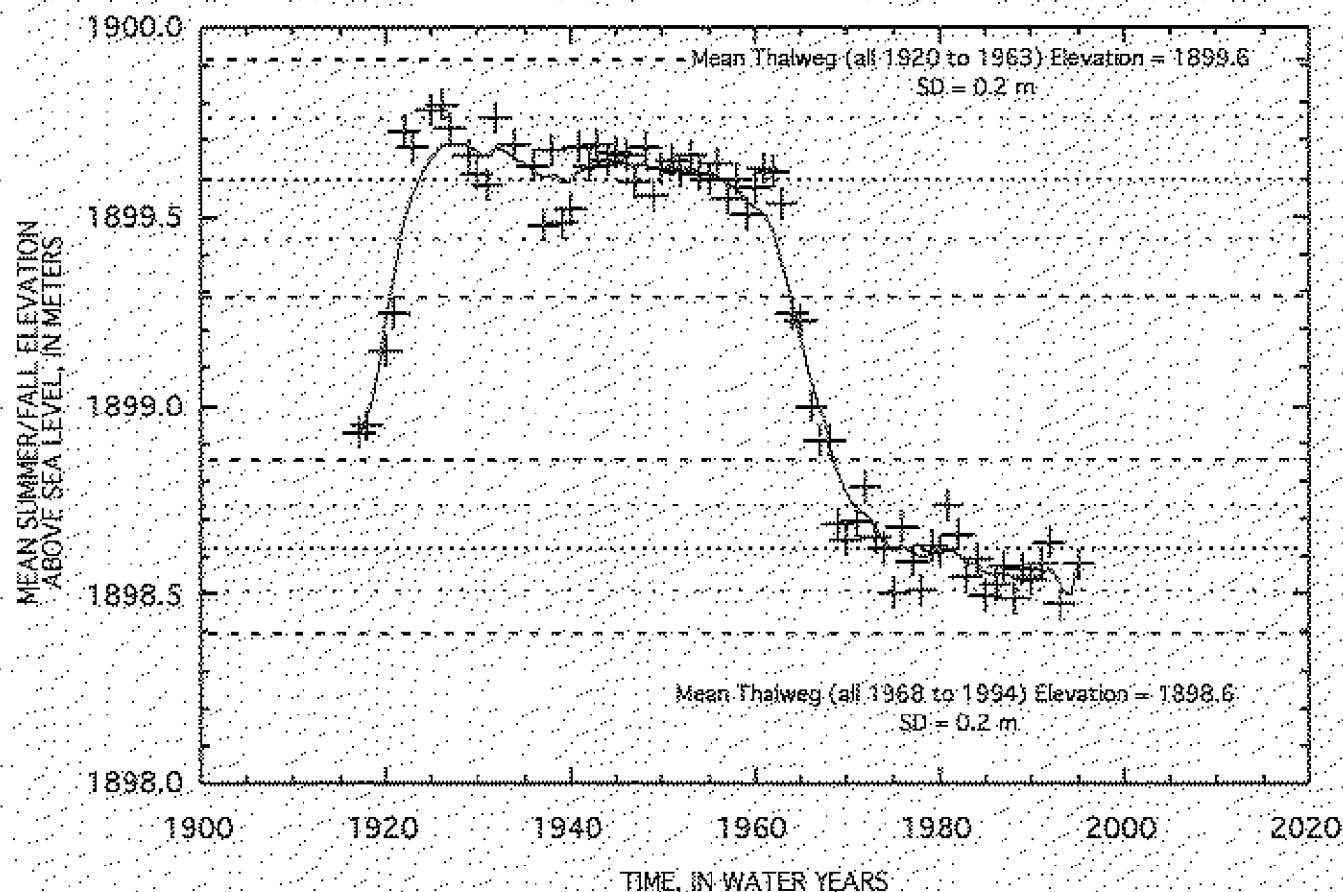
- |  |   |
|--|---|
| A - Middle Fork Cottonwood Creek near Ono (11374400) | E - Cottonwood Creek above South Fork near Cottonwood (11375815)            |
| B - North Fork Cottonwood Creek at Ono (11375500)    | F - South Fork Cottonwood Creek near Cottonwood (11375820)                  |
| C - North Fork Cottonwood Creek near Igo (11375700)  | G - South Fork Cottonwood Creek near Olinda (11375870)                      |
| D - Cottonwood Creek near Olinda (11375810)          | H - South Fork Cottonwood Creek at Evergreen Rd. near Cottonwood (11375900) |
|  | J - Cottonwood Creek near Cottonwood (11376000)                             |

<b>COTTON, SHIRES &amp; ASSOCIATES, INC.</b> <small>CONSULTING ENGINEERS AND GEOLOGISTS</small>		
<b>COTTONWOOD CREEK WATERSHED MAP</b> <b>COTTONWOOD CREEK WATERSHED</b> <b>MANAGEMENT PLAN</b> <small>SHASTA AND TEHAMA COUNTIES, CALIFORNIA</small>		
<small>GEO/ENG. BY</small> BL	<small>SCALE</small> AS SHOWN	<small>PROJECT NO.</small> P3189
<small>APPROVED BY</small> BC/POS	<small>DATE</small> APRIL, 1989	<small>FIGURE NO.</small> 1





<b>COTTON, SHIRES &amp; ASSOCIATES, INC.</b> <small>CONSULTING ENGINEERS AND GEOLOGISTS</small>		
<b>PROPOSED PROJECT LOCATION</b> <b>COTTONWOOD CREEK WATERSHED</b> <b>MANAGEMENT PLAN</b> <b>SHASTA AND TEHAMA COUNTIES, CALIFORNIA</b>		
GEO/ENG. BY BL	SCALE 1" = 2000'	PROJECT NO. P3159
APPROVED BY BC	DATE APRIL, 1999	FIGURE NO. 2



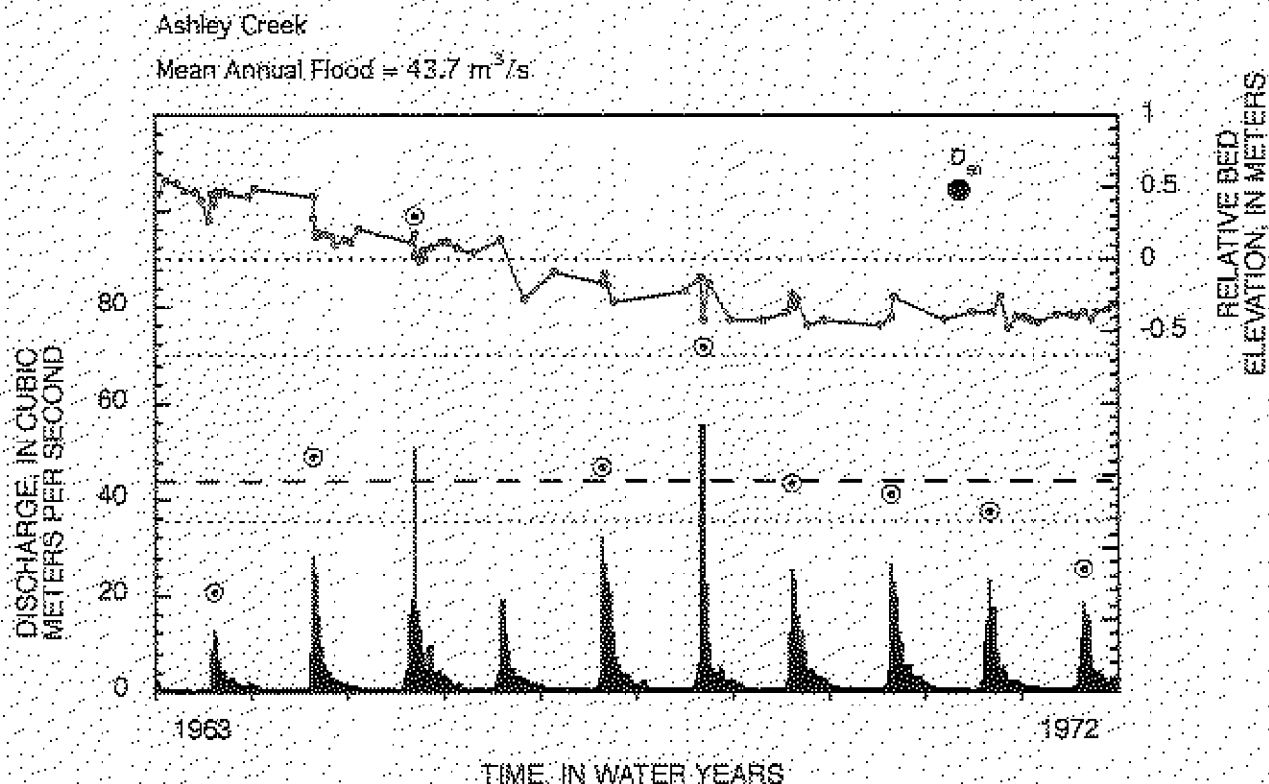
Temporal trend of streambed adjustment of Ashley Creek in the Uinta Mountains of Utah. This time series plot depicts the net annual changes in thalweg elevation, and also shows the temporal trend of stream bed adjustment. For each year, a summer/fall (S/F) thalweg elevation was calculated by averaging the thalweg elevations measured by the USGS in August, September, and October. Consequently, each data point (+) represents the thalweg elevation for a particular year, and a smooth-fit curve through the data show the temporal trend of streambed adjustment. Combined with the S/F elevations are mean and standard deviation statistics calculated from the entire data set. Short dashed lines in the middle of the shaded fields are average thalweg elevations calculated using all data for a specific period of time. The shaded fields represent the limits of one standard deviation (SD) and the longer set of dashed lines denote two standard deviations. In general, this graph indicates that over multiple decades, streambed adjustments typically are within one standard deviation of the average streambed elevation. However, this graph also shows that large abrupt adjustments also occur. At Ashley Creek, the large degradation that occurred in the early 1960's is considered to be the migration of a headcut initiated downstream by a channelization project. *After Smelser, 1998*



**COTTON, SHIRES & ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND GEOLOGISTS

**TEMPORAL TREND OF STREAMBED ADJUSTMENTS**  
COTTONWOOD CREEK WATERSHED  
MANAGEMENT PLAN  
SHASTA AND TEHAMA COUNTIES, CALIFORNIA

GEO/ENG. BY MS	SCALE	PROJECT NO. P3189
APPROVED BY BC	DATE APRIL, 1999	FIGURE NO. 3



A decade of daily mean discharge values and coincident streambed adjustments for Ashley Creek in the Uinta Mountains of Utah. Streambed adjustments are shown in the top graph and are quantified along the right ordinate axis. Discharge history is represented by annual hydrographs along the bottom and are quantified by the left ordinate axis. The annual hydrographs were developed using daily mean discharge data. Included in this graph are the instantaneous peak floods for each year (denoted by circled points) and a shaded range of discharge between 0.8 and 1.6 times bankfull discharge. Bankfull discharge is depicted by the heavy dashed line in the shaded region. The filled circle in the upper right portion of the graph is a scaled representation of the mean streambed particle size. Two of the more important conclusions that can be drawn from this graph are that 1) large floods do not necessarily result in large channel adjustments, and 2) normal range flows are capable of causing significant channel change. *After Smelser, 1998*



**COTTON, SHIRES & ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND GEOLOGISTS

**DAILY STREAMFLOW AND COINCIDENT  
STREAMBED ADJUSTMENTS**

COTTONWOOD CREEK WATERSHED  
MANAGEMENT PLAN  
SHASTA AND TEHAMA COUNTIES, CALIFORNIA

GEO/ENG BY  
MS

SCALE

PROJECT NO.  
P3189

APPROVED BY  
BC

DATE  
APRIL, 1999

FIGURE NO.  
4

## **APPENDIX A**

### **Examples of Fluvio-Geomorphic Map and Data Sheets**

## **APPENDIX B**

### **Letters to County Board of Supervisors and Planners**



**COTTON, SHIRES & ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND GEOLOGISTS

April 14, 1999  
P3189

Mr. Jim Cook  
Planning Division Manager  
Shasta County Planning Division  
1855 Placer Street  
Redding, CA 95001

**FILE COPY**

SUBJECT: Notice of Proposal Submittal  
RE: CALFED Bay-Delta Program,  
Sacramento, California

Dear Mr. Jim Cook:

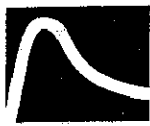
This letter is to inform you that Cotton, Shires and Associates, Inc. has submitted a project proposal to the CALFED Bay-Delta Program.

The goal of our project is to compile fluvio-geomorphic design criteria to assist the Cottonwood Creek Watershed Group with the development of a watershed management plan. Our project will focus on the U.S. Geological Survey stream gaging station on Cottonwood Creek near Cottonwood. This station is located approximately 2.2 miles east of Cottonwood, California.

If you have any questions or comments, please call.

Sincerely,  
COTTON, SHIRES AND ASSOCIATES

Mark G. Smelser  
Fluvial Geomorphologist



**COTTON, SHIRES & ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND GEOLOGISTS

April 14, 1999  
P3189

Tehama County Board of Supervisors  
P.O. Box 250  
Red Bluff, CA 96080

**FILE COPY**

SUBJECT: Notice of Proposal Submittal  
RE: CALFED Bay-Delta Program,  
Sacramento, California

Dear Honorable Board of Supervisors:

This letter is to inform you that Cotton, Shires and Associates, Inc. has submitted a project proposal to the CALFED Bay-Delta Program.

The goal of our project is to compile fluvio-geomorphic design criteria to assist the Cottonwood Creek Watershed Group with the development of a watershed management plan. Our project will focus on the U.S. Geological Survey stream gaging station on Cottonwood Creek near Cottonwood. This station is located approximately 2.2 miles east of Cottonwood, California.

If you have any questions or comments, please call.

Sincerely,  
COTTON, SHIRES AND ASSOCIATES

Mark G. Smelser  
Fluvial Geomorphologist



**COTTON, SHIRES & ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND GEOLOGISTS

---

April 14, 1999  
P3189

Mr. George Robson  
Tehama County Planning Department  
Room I, Courthouse Annex  
444 Oak Street  
Red Bluff, CA 96080

**FILE COPY**

SUBJECT: Notice of Proposal Submittal  
RE: CALFED Bay-Delta Program,  
Sacramento, California

Dear Mr. George Robson:

This letter is to inform you that Cotton, Shires and Associates, Inc. has submitted a project proposal to the CALFED Bay-Delta Program.

The goal of our project is to compile fluvio-geomorphic design criteria to assist the Cottonwood Creek Watershed Group with the development of a watershed management plan. Our project will focus on the U.S. Geological Survey stream gaging station on Cottonwood Creek near Cottonwood. This station is located approximately 2.2 miles east of Cottonwood, California.

If you have any questions or comments, please call.

Sincerely,  
COTTON, SHIRES AND ASSOCIATES

Mark G. Smelser  
Fluvial Geomorphologist





**COTTON, SHIRES & ASSOCIATES, INC.**  
CONSULTING ENGINEERS AND GEOLOGISTS

April 14, 1999  
P3189

Shasta County Board of Supervisors  
1815 Yuba Street  
Redding, CA 95001

**FILE COPY**

SUBJECT: Notice of Proposal Submittal  
RE: CALFED Bay-Delta Program,  
Sacramento, California

Dear Honorable Board of Supervisors:

This letter is to inform you that Cotton, Shires and Associates, Inc. has submitted a project proposal to the CALFED Bay-Delta Program.

The goal of our project is to compile fluvio-geomorphic design criteria to assist the Cottonwood Creek Watershed Group with the development of a watershed management plan. Our project will focus on the U.S. Geological Survey stream gaging station on Cottonwood Creek near Cottonwood. This station is located approximately 2.2 miles east of Cottonwood, California.

If you have any questions or comments, please call.

Sincerely,  
COTTON, SHIRES AND ASSOCIATES

Mark G. Smelser  
Fluvial Geomorphologist

## **APPENDIX C**

### **Compliance with Standard Terms and Conditions**

## NONDISCRIMINATION COMPLIANCE STATEMENT

STD. 19 (REV. 3-95) FMC

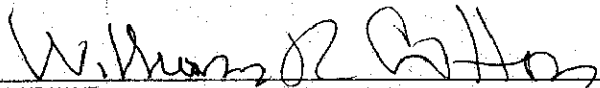
COMPANY NAME

Cotton, Shires and Associates, Inc.

The company named above (hereinafter referred to as "prospective contractor") hereby certifies, unless specifically exempted, compliance with Government Code Section 12990 (a-f) and California Code of Regulations, Title 2, Division 4, Chapter 5 in matters relating to reporting requirements and the development, implementation and maintenance of a Nondiscrimination Program. Prospective contractor agrees not to unlawfully discriminate, harass or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, disability (including HIV and AIDS), medical condition (cancer), age, marital status, denial of family and medical care leave and denial of pregnancy disability leave.

## CERTIFICATION

*I, the official named below, hereby swear that I am duly authorized to legally bind the prospective contractor to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.*



OFFICIAL'S NAME

William R. Cotton

DATE EXECUTED

April 15, 1999

EXECUTED IN THE COUNTY OF

Santa Clara

PROSPECTIVE CONTRACTOR'S SIGNATURE

PROSPECTIVE CONTRACTOR'S TITLE

PROSPECTIVE CONTRACTOR'S LEGAL BUSINESS NAME

COTTON, SHIRES &amp; ASSOCIATES, INC.

U.S. Department of the Interior

**Certifications Regarding Debarment, Suspension and  
Other Responsibility Matters, Drug-Free Workplace  
Requirements and Lobbying**

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to be used; use this form for certification and sign; or use Department of the Interior Form 1954 (DI-1954). (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

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**PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters -  
Primary Covered Transactions**

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CHECK ☒ IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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**PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -  
Lower Tier Covered Transactions**

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CHECK ☐ IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART C: Certification Regarding Drug-Free Workplace Requirements

CHECK ☒ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about--
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification numbers(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

330 Village Lane, Los Gatos, Santa Clara County, CA 95030-7218

Check ☒ if there are workplaces on file that are not identified here.

PART D: Certification Regarding Drug-Free Workplace Requirements

CHECK ☐ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

PART E: Certification Regarding Lobbying  
Certification for Contracts, Grants, Loans, and Cooperative Agreements

CHECK IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND  
THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT;  
SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK IF CERTIFICATION IS FOR THE AWARD OF A FEDERAL  
LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR  
SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.


The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL



TYPED NAME AND TITLE

William R. Cotton, President and Principal Engineering Geologist

DATE

April 16, 1999